



AZ POST

INTEGRITY BULLETIN

Volume No. 19



The Arizona Peace Officer Standards and Training Board (AZ POST) is mandated by the legislature to establish and enforce the physical, mental, and moral fitness standards for all peace officers in the state. The Board meets the charge to protect the public by overseeing the integrity of Arizona's law enforcement officers by reviewing cases and taking action against the certification of individuals who violate the AZ POST Rules. The following is a summary of some of the actions taken by the Arizona Peace Officer Standards and Training Board at its **June and July 2004**, public meetings. These actions are not precedent setting, in the sense that similar cases will end with the same result, because each case is considered on its individual facts and circumstances. Having said that, this Board publishes this bulletin to provide insight into the Board's position on various types of officer misconduct. As always, the Compliance Specialist for your agency is available to discuss any matter and to assist you with any questions you might have. The "Editor Notes" and the "Frequently Asked Questions" section are historical observations and insights for training and discussion purposes only.

CASE NO. 1

ASSAULT

Lieutenant A struck his 18 year old daughter with his open hand while trying to discipline her. He was on duty and in his assigned department vehicle at the time. He entered a diversion program which called for a dismissal of the assault charge upon the completion of specified conditions within one year. He completed the program promptly and probation was terminated early after 82 days. The Board believed that his fatherly actions constituted discipline and were reasonable given the circumstances. However, the Board was concerned with the officer's admission of assault and the disabilities that come with probation. The Board adopted a Consent Agreement which suspended Lieutenant A's certification for 82 days concurrent with the term of probation.

CASE NO. 2

DUI IN A DEPARTMENT VEHICLE

Sergeant B stopped off for a drink with friends on his way home from work. He was driving an unmarked department vehicle. After leaving the bar, he pulled over to the side of the road and walked back to his companion, who was following in her vehicle. A local police officer contacted him and arrested him for DUI. The Chief of Police imposed a 56 hour suspension. The City Manager overruled the Chief and terminated Sergeant B's employment. The merit commission reinstated him to his job. The Board suspended his peace officer certification for a period of 105 days concurrent with the total time of unpaid suspension at the agency.

CASE NO. 3

ACJIS VIOLATION

Officer C was having difficulty with his 17 year old daughter dating a 21 year old man. He wanted to leave a note on the young man's vehicle asking to talk to him. He spotted a similar vehicle in a parking lot where the boyfriend's vehicle might be and ran the plate through ACJIS. He determined it was not the right vehicle and left. A fellow officer became suspicious of a possible ACJIS violation and reported it. When questioned, Officer C was honest about misusing the computer system by running a plate for personal reasons. He left the agency's employ and went to work for a different agency. He was subsequently

terminated from probation at the second agency. Officer C appeared before the Board and forthrightly admitted the illegal ACJIS use and spoke of a long and honorable career outside of that issue. The Board suspended his certification for three months from the date of termination from the first agency for misfeasance or malfeasance in office.

CASE NO. 4

THEFT AND DISHONESTY

Officer D lied to internal investigators and to a polygraph examiner about her handling of \$480.00 in club moneys for which she was responsible. The Board revoked her certification for committing an offense involving dishonesty.

CASE NO. 5

DISHONESTY AND MALFEASANCE

Sergeant E made use of inmate labor to do welding on his personal trailer, conduct he admitted. He also took about eight bundles of wood for his personal use from a department stack, conduct he adamantly denied. The Board revoked his certification for the commission of an offense involving dishonesty and malfeasance in office.

CASE NO. 6

DISHONESTY AND MALFEASANCE

Officer F made a false hit and run report concerning damage to his assigned patrol vehicle. He then lied to a peace officer investigating the report. In truth, Officer F had struck a light pole in a parking lot. He made up the story because he was, in his words, "stupid and afraid." The Board revoked his certification for committing an offense involving dishonesty and malfeasance in office.

CASE NO. 7

SEXUAL MISCONDUCT AND DISHONESTY

Deputy G engaged in oral sex in a public stairwell numerous times. He also lied to investigators about when and where various sexual encounters had taken place. The Board revoked his certification for malfeasance in office and conduct that would tend to diminish public trust in the law enforcement profession.

CASE NO. 8

ACJIS VIOLATION AND DISHONESTY

Officer H received a call from his wife that she was involved in a "road rage" incident. Mrs. H also called the local police. He was off duty, but he obtained the other driver's personal information by calling dispatch and running the plate through ACJIS. He and Mrs. H went to the other driver's home and waited in a position where they could observe it. When local officers arrived at the H home, a child met them and handed them a phone. Mrs. H was on the phone and she informed them of their location and the other driver's name. Officers asked Officer H how he obtained the other driver's personal information and he told them he got it off the internet. The local officers, having reason to disbelieve that, forwarded this information to Officer H's department. When initially interviewed by internal affairs, Officer H continued to lie and insisted he obtained the information from the internet. Investigators checked the ACJIS logs and determined he had requested the information through dispatch. When questioned a second time, Officer H admitted he had not been truthful. He resigned. He did not respond to the Board's Complaint. His peace officer certification was revoked for malfeasance in office and for committing an offense involving dishonesty by lying to criminal investigators.

CASE NO. 9

ACJIS VIOLATION AND DISHONESTY

Officer J made a number of misleading, false and inconsistent statements to internal affairs and his supervisor, after a Notice of Investigation, concerning his off duty activities of running license plates on the MDT in his assigned patrol car and regarding the sequence of events surrounding the theft of his department radio. He neither requested a hearing nor appeared before the Board. The Board revoked his certification for malfeasance in office.

On June 9, and July 14, 2004, the Board voted to close out the following cases without initiating a Complaint for disciplinary action. In some of these cases, the Board directed staff to assure that any hiring agency would comply with the misconduct reporting statute by inquiring of the past agency whether violations of POST rules existed.

- A deputy made repeated comments to a paramedic about his sexual experiences and about her resemblance to his former girlfriend.
- A sergeant's subordinates believed he was incompetent and that he inflated his timesheets.
- An officer displayed a dealer plate (that was his) on his personal vehicle.
- An officer was accused of writing a false report, an accusation that was unfounded.

The Board adopted Consent Agreements calling for voluntary relinquishments or denials of certification where the following allegations had been made, but not proven.

- An applicant had been arrested and entered a diversion program for transporting 50 pounds of marijuana for sale.
- An officer forced an informant to perform oral sex.

The Board entered mandatory revocations for conviction of a felony for the following offenses.

- Class 2 felony theft for converting the travel trailer of a suicide victim to his own uses.
- Class 6 felony computer tampering for using a department computer to lure what he believed was a 16 year old girl for sexual activity.
- Two counts of class 5 felony unlawful sexual conduct for engaging in sexual conduct with inmates.